

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**MARK NEUBAUER**, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

**EQUIFAX INFORMATION SERVICES  
LLC**,

Defendant.

Case No. 3:23-cv-01275-YY

**ORDER**

**IMMERGUT, District Judge.**

This is a putative class action brought by Plaintiff Mark Neubauer against Defendant Equifax Information Services LLC under the Fair Credit Reporting Act. Plaintiff alleges that Equifax does not reinvestigate consumer disputes of inaccurate inquiry information in their credit reports. Defendant moved to dismiss, stay, or transfer this action, ECF 11, arguing that it is substantially similar to the case *Rivera v. Equifax Information Services, LLC*, No. 1:18-cv-04639 (N.D. Ga.). Magistrate Judge You held oral argument, ECF 24, and subsequently transferred this

action to the Northern District of Georgia under the first-to-file rule, ECF 25. Plaintiff timely filed Objections, ECF 29, and Defendant filed a Response, ECF 33.

A motion to transfer a case from one federal district court to another is a non-dispositive matter. *CPC Pat. Techs. Pty Ltd. v. Apple, Inc.*, 34 F.4th 801, 808 (9th Cir. 2022). When a party timely objects to a magistrate judge's determination of a non-dispositive matter, the district judge may reject that determination only when the magistrate judge's order is either "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). Accordingly, this Court will review Judge You's factual findings for clear error and legal conclusions de novo. *adidas Am., Inc. v. Fashion Nova, Inc.*, 341 F.R.D. 263, 265 (D. Or. 2022). An order is contrary to law when it "fails to apply or misapplies relevant statutes, case law, or rules of procedure." *Id.* Review under the clearly erroneous standard is "significantly deferential." *Sec. Farms v. Int'l Bhd. of Teamsters, Chauffers, Warehousemen & Helpers*, 124 F.3d 999, 1014 (9th Cir. 1997) (internal quotation marks omitted). "The reviewing court may not simply substitute its judgment for that of the deciding court." *Grimes v. City & Cnty. of S.F.*, 951 F.2d 236, 241 (9th Cir. 1991).

Under the first-to-file rule, the court considers (1) the chronology of the lawsuits; (2) the similarity of the parties; and (3) the similarity of the issues. *Kohn L. Grp., Inc. v. Auto Parts Mfg. Miss., Inc.*, 787 F.3d 1237, 1240 (9th Cir. 2015). Judge You correctly found that all three factors are satisfied here. Plaintiff's Objections are meritless and generally re-raise the same arguments that Judge You carefully considered and rejected.

This Court concludes that Judge You correctly applied the first-to-file rule and Plaintiff has not satisfied his high burden in challenging Judge You's non-dispositive Order. This Court **OVERRULES** Plaintiff's Objections, ECF 29, and **AFFIRMS** Judge You's Order, ECF 25, **GRANTING** Defendant's Motion to Dismiss, Stay or Transfer, ECF 11.

**IT IS SO ORDERED.**

DATED this 7th day of January, 2025.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge